

SENATE BILL NO. 367

INTRODUCED BY M. COONEY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO THE CLOSE OF VOTER REGISTRATION; ALLOWING ELECTORS TO REGISTER TO VOTE OR UPDATE VOTER REGISTRATION INFORMATION AT ANY TIME, INCLUDING ON ELECTION DAY; REQUIRING THAT EACH POLLING PLACE HAVE PRECINCT MAPS ON ELECTION DAY; AMENDING SECTIONS 13-2-110, 13-2-116, 13-2-201, 13-2-402, AND 13-13-114, MCA; AND REPEALING SECTIONS 13-2-301, 13-2-302, 13-2-511, 13-2-512, 13-2-513, AND 13-2-514, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. When elector may register or update voter registration. (1) Subject to 13-2-201, an elector may register to vote or may update the elector's voter registration information at any time, including on election day.

(2) (a) If an elector is changing residence within the county, has moved into the county from another county or state, or has changed the elector's name, the elector shall notify the election administrator of the county in which the elector currently resides.

(b) The notification may be made by mail or in person and must be made on a form prescribed by the secretary of state. The form must be properly completed and signed and must be accompanied by the information required pursuant to 13-2-110 to verify a voter's registration information.

(3) Voter registration lists must be updated and maintained pursuant to rules adopted under 13-2-108.

NEW SECTION. Section 2. Precinct maps required at polling places. The election administrator shall ensure that each polling place has an accurate precinct map to assist election judges in determining whether an elector's current address is located in the precinct for that polling place.

Section 3. Section 13-2-110, MCA, is amended to read:

"13-2-110. Application for voter registration -- sufficiency and verification of information -- identifiers assigned for voting purposes. (1) An individual may apply for voter registration in person or by mail

1 by completing and signing an application for voter registration and providing the application to the election
2 administrator in the county in which the elector resides, ~~before the close of registration as provided in 13-2-301~~

3 (2) If an elector is registering in person on election day, the application must be provided to an election
4 judge at the polling place for the precinct in which the elector is eligible to vote.

5 ~~(2) An individual applying by mail shall send the application to the election administrator, postage paid,~~
6 ~~no later than 15 days after the date it is signed. An application for voter registration properly executed and~~
7 ~~postmarked on or before the day registration is closed must be accepted for 3 days after the close of registration.~~

8 (3) Each Subject to 13-2-208, each application for voter registration must be accepted and processed
9 as provided in rules adopted under 13-2-109.

10 (4) Except as provided in subsection (5):

11 (a) an applicant for voter registration shall provide the applicant's driver's license number; or

12 (b) if the applicant does not have a driver's license, the applicant shall provide the last four digits of the
13 applicant's social security number.

14 (5) If an applicant does not have a driver's license or social security number:

15 (a) an applicant ~~appearing~~ registering in person ~~before the election administrator~~ shall provide:

16 (i) a current and valid photo identification, including but not limited to ~~a valid driver's license~~; a school
17 district or postsecondary education photo identification; or a tribal photo identification; with the individual's name;
18 or

19 (ii) a current utility bill, bank statement, paycheck, government check, or other government document
20 that shows the individual's name and current address.

21 (b) an applicant applying to register by mail shall ~~also~~ enclose with the application for voter registration
22 a copy of:

23 (i) a current and valid photo identification, including but not limited to ~~a valid driver's license~~; a school
24 district or postsecondary education photo identification; or a tribal photo identification, with the individual's name;
25 or

26 (ii) a current utility bill, bank statement, paycheck, government check, or other government document
27 that shows the individual's name and current address.

28 (6) (a) If information provided on an application for voter registration is sufficient to be accepted and
29 processed and is verified pursuant to rules adopted under 13-2-109, ~~the election administrator shall register the~~
30 elector must be registered as a legally registered elector.

(b) If information provided on an application for voter registration was sufficient to be accepted but the applicant failed to provide the information required in subsection (4) or (5) or if the information provided was incorrect or insufficient to verify the individual's eligibility to vote, the ~~election administrator shall register the applicant~~ elector must be registered as a provisionally registered elector.

(7) If an elector offering to register at a polling place on election day is not at the proper polling place for the precinct in which the elector resides, the elector may not be registered at the polling place and an election judge shall direct the elector to the proper polling place where the elector may register.

~~(7)~~ (8) Each applicant for voter registration must be notified of the elector's registration status pursuant to rules adopted under 13-2-109.

~~(8)~~ (9) The secretary of state shall assign to each elector whose application was accepted a unique identification number for voting purposes and shall establish a statewide uniform method to allow the secretary of state and local election officials to distinguish legally registered electors from provisionally registered electors.

~~(9)~~ (10) The provisions of this section may not be interpreted to conflict with voter registration accomplished under 13-2-221, 13-21-201, 13-21-203, and 61-5-107 and as provided for in federal law."

Section 4. Section 13-2-116, MCA, is amended to read:

"13-2-116. Precinct register. (1) Before each election, the election administrator shall prepare from the certified statewide voter registration list provided pursuant to 13-2-115 a precinct register for each precinct in the county for use by the election judges. The register must contain an alphabetical list of the names, with addresses, of the legally registered electors and provisionally registered electors, a space for the signature of the elector, and other information as prescribed by the secretary of state.

(2) The election administrator shall update the precinct register with the names and addresses of any electors who register after the statewide voter registration list is certified and provided to the election administrator.

~~(2)~~(3) If some of the electors in a precinct are not eligible to receive all ballots at an election because of a combination of the elections of more than one political subdivision, the election administrator shall distinguish the names of those eligible for each ballot by whatever method will be clear and efficient.

~~(3)~~(4) When several precincts have been combined at one polling place for an election, the election administrator may combine the electors from all precincts into one register or may provide separate registers for each precinct.

1 ~~(4)~~(5) Precinct registers need not be printed if the election will not be held."

2
3 **Section 5.** Section 13-2-201, MCA, is amended to read:

4 **"13-2-201. Hours of registration.** (1) The election administrator's office ~~shall~~ must be open for
5 registration of electors from 8 a.m. until 5 p.m. on all regular working days. The office may be kept open for the
6 registration of electors at other additional times at the discretion of the election administrator.

7 (2) On an election day, an elector may register to vote at the polling place for the precinct in which the
8 elector resides. If an unregistered elector is waiting in line at the polling place when the polls close, the elector
9 must still be allowed to register and vote."

10
11 **Section 6.** Section 13-2-402, MCA, is amended to read:

12 **"13-2-402. Reasons for cancellation.** The election administrator shall cancel the registration of an
13 elector:

14 (1) at the written request of the registered elector;

15 (2) if a certificate of the death of the elector is filed or if the elector is reported as deceased by the
16 department of public health and human services in the department's reports submitted to the county under
17 50-15-409;

18 (3) if the elector is of unsound mind as established by a court;

19 (4) if the incarceration of the elector in a penal institution for a felony conviction is legally established;

20 (5) if a certified copy of a court order directing the cancellation is filed with the election administrator;

21 (6) if the elector is successfully challenged and not allowed to vote at an election upon determination
22 of an election judge;

23 (7) if a notice is received from the secretary of state or from another county or state that the elector has
24 more recently registered in another county or state; or

25 (8) if the elector fails to respond to certain confirmation mailings and fails to vote in two consecutive
26 federal general elections."

27
28 **Section 7.** Section 13-13-114, MCA, is amended to read:

29 **"13-13-114. Voter identification and marking precinct register book before elector votes --**
30 **provisional voting.** (1) (a) Before an elector is permitted to receive a ballot or vote, the elector shall present to

1 an election judge a current photo identification showing the elector's name. If the elector does not present photo
2 identification, including but not limited to a valid driver's license, a school district or postsecondary education
3 photo identification, or a tribal photo identification, the elector shall present a current utility bill, bank statement,
4 paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other
5 government document that shows the elector's name and current address.

6 (b) An elector who provides the information listed in subsection (1)(a) may sign the precinct register and
7 must be provided with a regular ballot to vote.

8 ~~(c) If the information provided in subsection (1)(a) differs from information in the precinct register but an~~
9 ~~election judge determines that the information provided is sufficient to verify the voter's identity and eligibility to~~
10 ~~vote pursuant to 13-2-512, the elector may sign the precinct register, complete a transfer form or new registration~~
11 ~~form to correct the elector's voter registration information, and vote. If an elector's name does not appear in the~~
12 ~~precinct register and the elector resides in the precinct or if the elector's voter registration is outdated, the elector~~
13 ~~must be allowed to register or to update the elector's voter registration information pursuant to [section 1] and~~
14 ~~13-2-110 and must be provided with a regular ballot to vote.~~

15 (d) An election judge shall write "transfer form" or "registration form" beside the name of any elector
16 submitting a form.

17 (2) If the information presented under subsection (1) is insufficient to verify the elector's identity and
18 eligibility to vote ~~or if the elector's name does not appear in the precinct register~~ in the precinct as a legally
19 registered elector, the elector may sign the precinct register and cast a provisional ballot as provided in
20 13-13-601.

21 (3) If the elector is not able to sign the elector's name to the precinct register, a fingerprint or other
22 identifying mark may be used.

23 (4) If the elector fails or refuses to sign the elector's name or, if unable to write, fails to provide a
24 fingerprint or other identifying mark, the elector may cast a provisional ballot as provided in 13-13-601."

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26 **NEW SECTION. Section 8. Repealer.** Sections 13-2-301, 13-2-302, 13-2-511, 13-2-512, 13-2-513,
27 and 13-2-514, MCA, are repealed.

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29 **NEW SECTION. Section 9. Codification instructions.** (1) [Section 1] is intended to be codified as
30 an integral part of Title 13, chapter 2, part 2, and the provisions of Title 13, chapter 2, part 2, apply to [section

1 1].

2 (2) [Section 2] is intended to be codified as an integral part of Title 13, chapter 3, part 1, and the
3 provisions of Title 13, chapter 3, part 1, apply to [section 2].

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